

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Thad Aubert,  
5 Plaintiff

6 v.

7 Brian Williams, Sr.,  
8 Defendant  
9

2:16-cv-02982-JAD-PAL

**Order**

10 Pro se petitioner Thad Aubert is almost finished serving his ten-year, habitual-criminal  
11 sentence at the High Desert State Prison.<sup>1</sup> Aubert mailed a letter to the court, asking for  
12 clarification of some conflicting advice he received from fellow inmates.<sup>2</sup> But he did not file a  
13 complaint or an application to proceed *in forma pauperis*. Under Federal Rule of Civil  
14 Procedure, “[a] civil action is commenced by filing a complaint with the court.”<sup>3</sup>

15 And, unless the party filing an action applies for and receives pauper status, he must also  
16 pay the \$400 filing fee. I give Aubert 30 days from the date of this order to submit a complaint  
17 to this court to properly begin his civil action. Under 28 U.S.C. § 1915(a)(2) and Local Rule  
18 LSR 1-2, Aubert must complete an application to proceed *in forma pauperis* and attach both an  
19 inmate account statement for the past six months and a properly executed financial certificate.  
20 He is therefore granted an opportunity to file a fully completed pauper application or pay the full  
21 \$400 filing fee.

22 Accordingly, IT IS HEREBY ORDERED that **Aubert has until March 7, 2018, to: (1)**  
23 **submit a complaint to this court; AND (2) file a fully complete application to proceed in**  
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25 <sup>1</sup> NEV. DEP’T OF CORR. (Feb. 5, 2018) <http://doc.nv.gov/Inmates/Home/> (inmate search by name  
26 Thad Aubert or by offender ID 70566).

27 <sup>2</sup> ECF No. 1.


28 <sup>3</sup> FED. R. CIV. P. 3.

1 *forma pauperis* with the necessary financial attachments or pay the full \$400 filing fee.

2 The Clerk of Court is directed to **SEND** to Aubert the **approved form application to**  
3 **proceed in forma pauperis by a prisoner, as well as instructions** for completing it. The Clerk  
4 **of Court** is also directed to **SEND** to Aubert the **approved form for filing a 42 U.S.C. § 1983**  
5 **complaint and instructions** for filling it out. The Clerk of Court is also directed to send Aubert  
6 a copy of his letter (ECF No. 1).

7 IT IS FURTHER ORDERED that if **Aubert does not timely comply with or otherwise**  
8 **respond to this order, this case will be DISMISSED without further prior notice.**

9 DATED: February 5, 2018.

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11 U.S. District Judge Jennifer A. Dorsey  
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